

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT E. RUFFIN,

Petitioner,

v.

JEROME WALSH,

Respondent.

FILED

MAR 14 2014

MICHAEL E. KUNZ, Clerk
By _____, Dep. Clerk

CIVIL ACTION NO.:

2:13-CV-3519-CDJ

ORDER

AND NOW, this 14th day of March, 2014, it is hereby **ORDERED** that the Report and Recommendation of the Honorable Timothy R. Rice, United States Magistrate Judge, is **ADOPTED**.¹ The above-captioned matter is **PLACED IN SUSPENSE** while petitioner litigates his PCRA petition. It is further **ORDERED** that, if petitioner fails to return to federal court within thirty (30) days of the conclusion of his state court proceedings, his petition shall be **DISMISSED** with prejudice. It is further **ORDERED** that there is no probable cause to issue a certificate of appealability.

BY THE COURT:

C. DARNELL JONES, II J.

¹Petitioner filed two documents purporting to be objections to the report and recommendation. The first document, (Doc. No. 12), is more properly construed as an appeal of Magistrate Judge Rice's order denying his request for appointment of counsel and for leave to file an amended petition. As such, it will not be addressed here. The second document, (Doc. No. 13), is properly construed as an objection to the Report and Recommendation but merely argues that Judge Rice incorrectly stated that the petition contained four claims instead of five. Even assuming that petitioner's objection has merit, it has no bearing on the Report and Recommendation, which recommends placing this case in suspense due to petitioner's pending PCRA petition. Petitioner may direct the court's attention to these matters at such time as this case is removed from suspense.